

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCOTTSBLUFF INN, LLC, a Colorado)
Limited Liability Company,)
)
 Plaintiff,) 8:06CV318
)
 vs.) ORDER
)
BANKIM M. PATEL,)
)
 Defendant.)

This matter is before the court on defendant's Motion [21] to compel plaintiff to comply with defendant's Rule 34 Request for Entry Upon Land for Inspection. Plaintiff has filed its response in objection to the motion.

Briefly, the plaintiff's complaint seeks, *inter alia*, a decree of specific performance directing the defendant to purchase plaintiff's Days Inn Motel facility pursuant to a Commercial Real Estate Purchase Contract signed in October 2005. The defendant contends the building suffered water damage in January 2006 and that he could not obtain the necessary financing due to the condition of the facility. Defendant now wishes to inspect the entire premises, including all of the 136 guest rooms. Plaintiff objects on grounds of relevance, contending any inspection should be limited to the three rooms that were damaged by water in January 2006.

Plaintiff's objections are overruled. The plaintiff wants the defendant to buy the entire motel, not just the three water-damaged rooms. Defendant's Rule 34 Request seeks information relevant to all parties' claims and defenses.

IT IS ORDERED that defendant's Motion to Compel [21] is granted as follows:

1. Plaintiff shall submit to an inspection of the entire premises at issue in Plaintiff's Complaint as requested in Defendant's Rule 34 Request for Entry Upon Land for Inspection at a date and time that is mutually agreeable to all parties.

2. During the inspection, defendant shall make every effort to avoid causing any disturbance, inconvenience, or interruption of services to guests of the Motel.

DATED October 26, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge